

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. 3:12CR25-FDW

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>AMENDED</u></b>
	)	<b>PRELIMINARY ORDER</b>
JUAN ANTONIO MOLINA-SANCHEZ,	)	<b>OF FORFEITURE</b>
	)	
Defendant.	)	

In the Bill of Indictment in this case, the United States sought forfeiture of three specific real properties pursuant to 18 U.S.C. § 924(d) and 21 U.S.C. § 853(a), as property that was proceeds of and/or was used to facilitate and/or involved in the crimes charged, together with any other substitute property, which would be subject to forfeiture under § 853(p).

Defendant pled guilty and consented to forfeiture. On February 12, 2013, this Court entered a preliminary order forfeiting the three. A petition was filed by Yuritzi Alejandre as to one property and dismissed on August 13, 2013.

The government has now filed a motion to amend the original preliminary order, representing that one of the original three properties has been sold to an innocent third party and another lacks sufficient value for forfeiture. This amended order therefore constitutes a dismissal of the forfeiture as to those two properties.

As to the remaining property, located at 620 West Franklin Street, Salisbury, North Carolina, the government has elected to pursue the forfeiture in this criminal case, relying on evidence submitted in connection with its motion to dismiss the Alejandre petition.

The Court has considered the evidence and finds that there is a nexus between

defendant's crimes and the real property at 620 West Franklin Street.

It is therefore ORDERED:

1. Based upon defendant's conviction and the nexus between the defendant's crimes and the property listed below, the United States is authorized to seize the following property, and it is hereby forfeited to the United States for disposition according to law; provided, however, that such forfeiture is subject to any and all third party claims and interests which have not yet been adjudicated, pending final adjudication herein under 21 U.S.C. § 853(n):

**Real property located at 620 West Franklin Street, Salisbury, North Carolina.**

2. Pursuant to 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6), the government shall publish as required by law notice of this order and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought.

3. Upon adjudication of all third-party interests, this Court will enter a final order and judgment of forfeiture pursuant to 21 U.S.C. § 853(n).

Signed: September 18, 2013

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

